

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARIA DEL CARMEN MARTINEZ-
PATTERSON,

Plaintiff,

v.

AT&T SERVICES, INC, a Delaware
Corporation,

Defendant.

No.

PLAINTIFF'S COMPLAINT
FOR DAMAGES

JURY TRIAL REQUESTED

I. NATURE OF THE ACTION

1. This is an action for declaratory judgment, equitable relief, and monetary damages, instituted to secure the protection of and to redress the deprivation of rights secured through 42 U.S.C. § 1981, *et seq.* (“Section 1981”); the Washington Law Against Discrimination, RCW 49.60, *et seq.* (“WLAD”); the Family Medical Leave Act, 29 U.S.C. § 2611 *et seq.* (“FMLA”); and the Washington Family Leave Act, RCW 49.78 *et seq.* (“FLA”). Plaintiff also brings common law claims against Defendant for the tort of wrongful discharge in violation of public policy. Defendant’s wrongful termination caused Plaintiff to lose wages in violation of RCW 49.52 *et seq.* and RCW 49.48 *et seq.*

2. Plaintiff Maria Del Carmen Martinez-Patterson (“Plaintiff”) alleges that Defendant AT&T Services, Inc. (“Defendant”) discriminated against her because of her race (Hispanic) and national origin (Philippines with Spanish Heritage), gender (female), including discriminatorily and retaliatorily discharging her after she had requested FMLA/FLA protected leave, and in retaliation for engaging in protected activity in violation of the laws stated above, including Washington common law and the tort of wrongful discharge in violation of public policy. Plaintiff seeks monetary and injunctive relief, including pecuniary and non-pecuniary damages, compensatory damages, and punitive damages to the fullest extent allowed by law.

II. JURISDICTION, VENUE AND PARTIES

3. Jurisdiction is proper pursuant to 28 U.S.C. § 1331 since Plaintiff alleges claims that comprise a federal question.

4. This Court has jurisdiction over Plaintiff’s state claims pursuant to 28 U.S.C. § 1367.

5. Venue of this Court is invoked under 28 U.S.C. § 1391.

6. Plaintiff Maria Del Carmen Martinez-Patterson is a resident of the State of Washington.

1 7. Defendant is a Delaware corporation whose corporate headquarters is located in
2 the State of Texas.

3 8. At all relevant times, Defendant was continuously doing business in the
4 Western District of Washington and transacting business in the Western District of
5 Washington.

6 9. A substantial part of the events or omissions giving rise to Plaintiff's claims
7 occurred within the jurisdiction of the U.S. District Court for the Western District of
8 Washington at Seattle, and Plaintiff was employed in King County, Washington.

9 10. At all relevant times, Defendant was an employer engaged in an industry
10 affecting commerce, and had the requisite number of employees under the aforementioned
11 statutes.

12 **III. STATEMENT OF CLAIMS**

13 11. The preceding paragraphs 1 through 10 are re-alleged and hereby incorporated
14 by reference.

15 12. Defendant engaged in unlawful employment practices against Plaintiff.

16 13. Defendant discriminated, retaliated, and took adverse actions against Plaintiff
17 for opposing discrimination and retaliation in the workplace.

18 14. Defendant's unlawful conduct was motivated by Plaintiff's race and national
19 origin, gender, and opposition to Defendant's discriminatory conduct.

20 15. Plaintiff Carmen Martinez-Patterson is female, Hispanic and of Filipino and
21 Spanish Heritage.

22 16. Plaintiff was hired by Defendant in 2000 as a Senior Oracle Database
23 Administrator.

24 17. In 2006, Plaintiff filed a charge with Equal Employment Opportunity
25 Commission ("EEOC") alleging discrimination based on race and gender.
26

1 18. After Plaintiff filed her EEOC charge, Defendant subjected her to retaliation,
2 including but not limited to hostility, yelling, ridicule and preventing her ability to advance
3 within the company.

4 19. Despite the retaliation and discrimination she continued to suffer even after
5 filing her first EEOC charge, Plaintiff continued to perform well for Defendant.

6 20. On or about August 12, 2015, Plaintiff complained about race and gender
7 discrimination after receiving her mid-year performance review.

8 21. Plaintiff specifically complained that men in her leadership group did not listen
9 to her and were not valuing her input.

10 22. Plaintiff also complained that the discrimination she was suffering because of
11 her race and gender was part of a pattern of conduct she had been facing for nearly a decade.

12 23. Plaintiff raised other complaints about the discriminatory and retaliatory
13 conduct Defendant was subjecting her to, including raising complaints to higher management
14 and Defendant's Human Resources.

15 24. Despite her complaints, Defendant gave Plaintiff a false, discriminatory and
16 retaliatory performance review in or around January 2016.

17 25. Plaintiff complained about the discriminatory and retaliatory review to
18 Defendant.

19 26. In or about March 2016, Plaintiff informed Defendant that her brother had a
20 serious medical condition (brain cancer), which required that he undergo intensive medical
21 care which resulted in other disabilities.

22 27. Plaintiff's brother was incapable of self-care because of his medical condition
23 and disabilities.

24 28. Plaintiff's brother's medical condition and inability to care for himself required
25 that Plaintiff care for him.
26

1 29. In March 2016, Plaintiff told Defendant that her brother had a serious medical
2 condition and that she needed to be available to help care for him.

3 30. On or about August 12, 2016, Plaintiff discussed the possibility of taking
4 FMLA leave to take care of her ailing brother.

5 31. Plaintiff formally requested FMLA leave on or about October 26 and 27, 2016.

6 32. The very next day, Defendant fired Plaintiff falsely claiming that she was being
7 laid off as part of a reduction in force.

8 33. Just prior to requesting protected medical leave to care for her disabled brother,
9 Defendant had assured Plaintiff that her position was not going to be affected by a reduction in
10 force.

11 34. Defendant's stated reasons for Plaintiff's termination are pretext.

12 35. Defendant's adverse actions against Plaintiff, including terminating her
13 employment, were illegally motivated by her race and gender, contributed to a hostile work
14 environment, and constitute discrimination and retaliation for engaging in protected activity.

15 36. Defendant's adverse actions against Plaintiff, including terminating her
16 employment, constituted unlawful interference with her rights under FMLA and FLA, and
17 retaliation for engaging in protected activity under FMLA and FLA.

18 37. The aforementioned statutes and their implementing regulations are clear
19 expressions of public policy.

20 38. Plaintiff acted in furtherance of Washington's public policy including but not
21 limited to complaining and opposing:

- 22 a. Race, gender, race, and national origin discrimination and retaliation;
23 b. Requesting leave to care for her disabled brother protected under the FMLA and
24 FLA;
25 c. Caring for a family member who has a serious health condition and protecting
26 citizens with disabilities.

39. Defendant wrongfully discharged Plaintiff in violation of Washington public policies.

40. Defendant's wrongful termination of Plaintiff caused Plaintiff to lose wages in violation of RCW 49.52 *et seq.* and RCW 49.48 *et seq.*

41. The effect of the practices complained of in the above paragraphs has been to deprive Plaintiff of equal employment opportunities and otherwise adversely affect her status as an employee.

42. The unlawful employment practices complained of in the above paragraphs were intentional.

43. The unlawful employment practices complained of in the above paragraphs were done with malice and/or with reckless indifference to Plaintiff's rights as protected by state and federal laws.

44. Defendant failed to act to eliminate the discrimination and retaliation against Plaintiff and other similarly situated employees.

45. As a result of Defendant's conduct, Plaintiff has suffered and continues to suffer economic losses and non-pecuniary losses and other damages prayed for herein.

IV. RESERVATION OF RIGHTS

46. Plaintiff reserves the right to add, revise, or withdraw any claims, or add additional parties during the course of the litigation as information is obtained through litigation.

V. PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests that this court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with them, from engaging in any other unlawful employment practices.

1 B. Order Defendant to institute and carry out policies, practices, and programs
2 which provide equal employment opportunities for all employees, and which eradicate the
3 effects of its past and present unlawful employment practices.

4 C. Order Defendant to make Plaintiff whole by providing appropriate back pay
5 with prejudgment interest, in amounts to be determined at trial, and other affirmative relief
6 necessary to eradicate the effects of its unlawful employment practices.

7 D. Order Defendant to make Plaintiff whole by providing compensation for past
8 and future pecuniary losses resulting from the unlawful employment practices described in the
9 above paragraphs, including out-of-pocket expenses, in an amount to be determined at trial.

10 E. Order Defendant to make Plaintiff whole by providing compensation for past
11 and future non-pecuniary losses resulting from the acts complained of in the above paragraphs,
12 including without limitation emotional harm, physical pain, suffering, humiliation, impact to
13 Plaintiff's career and reputation, and loss of enjoyment of life, in an amount to be determined
14 at trial.

15 F. Order Defendant to pay Plaintiff punitive damages for the conduct described in
16 the above paragraphs, in amounts to be determined at trial, to the fullest extent allowed by law.

17 G. Order Defendant to pay liquidated and/or double damages to Plaintiff as
18 allowed under the aforementioned statutes, including but not limited to the damages provided
19 and the FMLA/FMLA.

20 H. Order Defendant to make Plaintiff whole by providing relief under RCW 49.48
21 *et. seq.*, and RCW 49.52 *et. seq.*, or any other applicable statute, including awarding double
22 damages.

23 I. Order Defendant to pay Plaintiff for any and all tax consequences associated
24 with the damages and cost award, including but not limited to attorney's fees.

25 J. Award Plaintiff the costs of this action, including attorney's fees, expert fees,
26 and all other costs to the fullest extent allowed by law.

1 K. Award Plaintiff other damages including prejudgment interest and post-
2 judgment interest.

3 L. Grant any additional or further relief as provided by law, which this Court finds
4 appropriate, equitable, or just.

5
6 DATED this 10th day of August, 2018.

7
8 THE BLANKENSHIP LAW FIRM, P.S.

9
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